Brooks v. Schwerin, 54 N. Y. 343. In a case analogous to the case under discussion, it was held not to be negligence as a matter of law to cross a street without looking both ways for approaching vehicles. *Reens v. Mail & Express Pub. Co.,* 62 N. Y. St. 511. And the same degree of diligence is not required of a person about to cross a public street as would be required at a railroad crossing. *Eaton v. Cripps,* 94 Iowa, 176. Nor was it held negligent where plaintiff did not take special precaution against the reckless conduct of defendant in riding at an unusual rate of speed in a public street, resulting in her injury. *Stringer v. Frost,* 116 Ind. 477.

BILLS AND NOTES—CONSIDERATION—MISREPRESENTATIONS—NATIONAL BANK OF COMMERCE OF KANSAS CITY, MO., V. ROCKEFELLER, 174 FED. 22.—Where a guarantor of an indebtedness from a corporation to a bank in settling his liability to the bank after the corporation became insolvent, accepted the representations of the bank, implied, if not expressed, that a note of the corporation then held by the bank represented an indebtedness which was all within the guarantee, and paid the full amount due thereon in cash and by giving his own note, but it afterwards appeared that the note so taken up was in a large part in renewal of an indebtedness antedating the guaranty and not covered thereby, it was *held,* his own note to that extent was without consideration, and on repayment of the remainder he was entitled in equity to its cancellation.

The weight of authority seems to be in accord with the above case and holds that where a party is induced to execute a note by the misrepresentation of material facts knowingly made by the payee in order to induce the maker to execute the note, it is without consideration and is a good defense to an action on the note. *House v. Martin,* 125 Ga. 642; *Conkling v. Vail,* 31 Ill. 166. And the misrepresentations must have been made at the time of the transaction, have been known to be such by the party making them, and must have been relied upon by the other party. *Clayton v. Cavender,* 1 Marv. (Del.) 191. But as a man is bound to use ordinary care and diligence to guard against fraud, *Clodfelter v. Hulett,* 72 Ind. 137, if he executes a note freely and voluntarily and well understands what he is doing, it cannot be said that such note is obtained by fraud and circumvention. *Metcalf v. Draper,* 98 Ill. App. 399. Where there is a total fraud in the consideration or in the manner of obtaining it, it will render the note void. *Shepard v. Hall,* 1 Conn. 329, and a partial want of consideration would reduce the amount of recovery *pro tanto. Stevens v. McIntire,* 14 Me. 14; *Hill v. Enders,* 19 Ill. 163.

CONSTITUTIONAL LAW—PERSONAL LIBERTY—RESTRICTIONS ON COSTUME. —HAMMER V. STATE, 89 N. E. 850 (IND.).—*Held,* that the right of one person to dress as he pleases, so long as it is not done in an offensive way, is modified by the rule that one person may not adorn himself so as to represent himself to be one whom he is not and thus assume a *status* to which he is not entitled, and an act prohibiting the wearing of the badge of a secret society by a nonmember is not invalid as interfering with such right.